

Remarks/Arguments:

Claims 17, 18, 23-34 are the pending claims in this application. With this amendment, the applicants amend claim 17 to further clarify that step (ii) involves impregnating the "porous substrate" formed from step (i). No new matter has been added. It is also submitted that this amendment does not raise any new issues for further search and/or consideration, especially given the Examiner's acknowledgement (discussed below) and the applicants' reliance on that acknowledgement.

I. Summary of the Office Action

The applicants appreciate the Examiner's withdrawal of 35 U.S.C. § 102(e) rejection of claims 31 and 32. The Office Action rejects claims 17, 18, 23-27, 33 and 34 under 35 U.S.C. § 102(e) as being anticipated by Denton (US 6,042,958). The Office Action also rejects claims 28-30 under 35 U.S.C. § 103 (a) as being unpatentable over Denton (US 6,042,958) in view of Cisar (US 6,495,209).

II. Discussion of the Applicant's Arguments in the Office Action

Page five (5), paragraph number seven (7) discusses the applicant's arguments presented in the response to the Office Action dated May 14, 2003.

The Office Action submits that claim 1 does not specify that the process steps must be in a certain order. The applicants respectfully disagree. In the response to the Office Action dated May 14, 2003, the applicants specifically amended claim 17 to recite that the process steps must be in a certain order. Claim 17, as amended, specifies the following features in order: forming a porous substrate by a process comprising the steps of (a) dispersing fibres in water to form a slurry; (b) depositing the slurry formed in step (a) onto a mesh bed to form a fibre network; (c) drying and compacting the fibre network formed in step (b); and (d) applying before or after step (c), to the fibre network, a dispersion of a binder comprising both silica and a fluorinated polymer; and thereafter, impregnating the porous substrate (previously referred to as the "fibre matrix substrate") with a polymeric material to produce a membrane.

Thus, claim 17 recites the limitations that step (a) is done before step (b); that step (b) is done before step (c); step (d) may be done "before or after step (c)", and that the steps of

section (i) are done before the steps of section (ii). The specific order of the steps was argued by the applicants and the fact "that the steps of section (i) are performed before the step of section (ii)" was **acknowledged** by the Examiner in the Office Action dated May 15, 2003, at page 7, paragraph 9.

However, the present Office Action states the following at page 5, paragraph 8 in relation to the above obviousness rejection:

If step (d) is performed simultaneously with step (ii) as discussed in the rejection above, step (d) will have been performed after the fiber network has been formed and before the completion of step (ii). Please review the rejection above for details.

The applicants submit that the statements made in the May 15, 2003 Office Action, which the applicants have relied upon, are now directly opposed to the above statements, which form the present rejection. Moreover, the applicants submit that the Examiner was correct in her previous statement, which was relied on by the applicants, that claim 17 specified (and still specifies) that the step of section (ii) follows the steps of section (i). Accordingly, the applicants submit that amended claim 17 recites a specific order to the process, and as such, is patentably distinct from the prior art of Denton, for the reasons discussed in the previous Response.

III. Rejection Under 35 U.S.C. § 103(a)

Claims 28-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Denton '958. Claims 28-30 are ultimately dependent on claim 17, which is patentable for the reasons discussed above. Therefore, the applicants respectfully request withdrawal of the rejection.

IV. Conclusion


The applicants respectfully request reconsideration in view of the above amendments and arguments to the claims. The applicants submit that because independent claim 17 is now in a condition for allowance, all the claims that depend from claim 17 are also in a condition for allowance.

Appln. No.: 09/807,655
Amendment Dated February 10, 2004
Reply to Office Action of November 10, 2003

JMYT-236US

The applicants are filing this Response consistent with a recent discussion with Examiner Boyd. Also as discussed, the applicants' undersigned representative will call Examiner Boyd in an effort to expedite prosecution of this application.

Respectfully submitted,



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Dated: February 10, 2004


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